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Calendar No. leg

AMENDMENT NO. \_\_\_\_\_

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Purpose: To extend humanitarian assistance to the Nicaraguan Resistance, to require a report on diplomatic efforts to resolve the Central American armed conflict, and to provide procedures for Congress to consider legislation made necessary by an emergency in Nicaragua occurring during the adjournment of Congress.

IN THE SENATE OF THE UNITED STATES--100th Cong., 2d Sess.

H.R. 4781

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

Amendment intended to be proposed by Mr. Byrd

Viz:

1 On page 114, after line 22, add the following:

2 TITLE IX--ASSISTANCE FOR THE NICARAGUAN RESISTANCE

3 SEC. 9001. POLICY.

4 It is the policy of the United States to advance peace  
5 and democracy in Central America and to protect American  
6 security interests in the region. In pursuing that policy it  
is the objective of the United States to seek a just and  
lasting peace for the region in a manner compatible with the

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1 Guatemala Peace accord of August 7, 1987, the declaration of  
2 the Central American presidents at San Jose, Costa Rica, on  
3 January 16, 1988, the Sapoa Agreement of March 23, 1988, and  
4 United States national security interests in the region.

5 SEC. 9002. SPECIAL CONDITIONS WARRANTING EXPEDITED PROCEDURE

6 CONCERNING TRANSPORTATION OF PREVIOUSLY  
7 APPROPRIATED ASSISTANCE HELD IN TITLE BY THE  
8 NICARAGUAN RESISTANCE.

9 If, at any time after enactment of this Act and before  
10 the adjournment sine die of the One hundredth Congress,--

11 (1) the President finds that the Government of  
12 Nicaragua has caused an emergency situation in Central  
13 America which is having a critical impact on peace and  
14 stability of that region,

15 (2) the President has consulted with the presidents  
16 of the Central American democracies regarding that  
17 emergency situation,

18 (3) the President submits to the Congress the report  
19 described in section 9003(a),

20 (4) the President requests the Congress to consider  
legislation which would authorize the transportation to  
the Nicaraguan Resistance of previously appropriated  
assistance held in title by the Nicaraguan Resistance  
and, if necessary, provide authority for the  
interchangeability of such assistance with equipment of

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*purpose, type and*  
3

1 comparable value owned by the United States, and

2 (5) the House of Representatives has passed  
3 legislation which provides the authority requested under  
4 paragraph (4),

5 then a joint resolution shall be considered in accordance  
6 with the procedures specified in section 9013 of this title.

7 SEC. 9003. SPECIAL CONDITIONS REGARDING THE EMERGENCY

8 TRANSPORT OF PREVIOUSLY APPROPRIATED ASSISTANCE

9 HELD IN TITLE BY THE NICARAGUAN RESISTANCE.

10 (a) Special Conditions Specified.--If the President is  
11 authorized to take action pursuant to legislation enacted in  
12 accordance with section 9013 to make readily available, and  
13 transport, to the Nicaraguan Resistance any and all  
14 previously appropriated assistance held in title by the  
15 Nicaraguan Resistance, then the provisions of this section  
16 shall apply.

17 (b) Funds for Transportation.--Such sums as are necessary  
18 to carry out the transportation requirements specified in  
19 subsection (a), but not to exceed \$2,000,000, shall be  
20 transferred to the Secretary of State from unobligated funds  
from appropriations accounts specified in section 9011.

21 (c) Monitoring by Congressional Committees.--The chairmen  
22 and ranking minority members of the Permanent Select  
Committee on Intelligence of the House of Representatives and  
the Select Committee on Intelligence of the Senate shall be

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1 kept fully and currently informed regarding the  
2 transportation of any assistance described in subsection  
3 (a)(2).

4 SEC. 9004. REPORTS.

5 (a) Presidential Report.--At the time of the submission  
6 to the Congress by the President of any request for authority  
7 to transport to the Nicaraguan Resistance previously  
8 appropriated assistance held in title by the Nicaraguan  
9 Resistance, the President shall submit to the Congress a  
10 report containing--

11 (1) a detailed discussion and substantial evidence of  
12 the nature of the emergency situation in or adjacent to  
13 Nicaragua caused by actions taken by the Government of  
14 Nicaragua having a critical impact on peace and stability  
15 of the Central American region,

16 (2) a description of the recommendations made by the  
17 presidents of the Central American democracies consulted  
18 in accordance with section 9002(2), and

19 (3) the justification for the transport to the  
20 Nicaraguan Resistance of previously appropriated  
21 assistance held in title by the Nicaraguan Resistance,  
including specific information pertaining to at least two of  
the following three actions:

(1) Sandinista initiation of an unprovoked  
military attack and any other hostile action directed

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1 against the forces of the Nicaraguan Resistance, as  
2 well as participation or support of any hostile  
3 actions against such forces by any other foreign /Cul  
4 country or organized group; 6

5 (2) Other blatant violations of the Esquipulas II  
6 accords, such as suppression of the media, the  
7 internal political opposition, including a denial of  
8 its rights to assemble and to make peaceful ul  
9 demonstrations, and other human rights violations ol  
10 against the people of Nicaragua; and

11 (3) A continued unacceptable level of military  
12 assistance by Soviet-bloc countries, including Cuba.

13 (b) Monthly Report by the Secretary of State.--The  
14 Secretary of State shall, not less frequently than once every  
15 30 days after the date of enactment of this Act until the  
16 funds provided under this title are expended, submit to the  
17 intelligence committees and foreign relations committees of  
18 the Congress a report--

19 (1) describing the conditions in Nicaragua and the  
20 use of the funds provided under this title;

21 (2) a detailed statement of any progress toward a  
22 negotiated settlement of the armed conflict in Central  
23 America, as agreed to under the Esquipulas Accord of  
24 August 7, 1987;

(3) a detailed discussion of United States efforts

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1 since the signing of the Sapca agreement to encourage the  
2 Soviet Union to restrict the shipment of Soviet arms to  
3 the Government of Nicaragua and specifying Soviet  
4 reaction to such efforts;

5 (4) a discussion reviewing the status of United  
6 States national security interests in Central America,  
7 with particular attention to the advisability of entering  
8 into bilateral negotiations with the Government of  
9 Nicaragua concerning-- +

10 (A) the termination of the presence of Soviet and  
11 Soviet-bloc (including Cuban) military and security  
12 advisors in Nicaragua;

13 (B) the termination of Soviet and Soviet-bloc  
14 (including Cuban) assistance to the Government of  
15 Nicaragua; and

16 (C) a prohibition on the establishment or use of  
17 bases in Nicaragua by the Soviet Union or any Soviet-  
18 bloc country, including Cuba;

19 (5) a description of United States diplomatic efforts  
20 in support of the Esquipulas Accord of August 7, 1988,  
and the Sapca Agreement of March 23, 1988, and an  
analysis of the actions taken by the Nicaraguan  
Resistance and the Government of Nicaragua to negotiate a  
settlement under the provisions of these agreements;

(6) an evaluation of the effect that additional

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1 military assistance for the Nicaraguan Resistance would  
2 have on political and economic stability in Honduras,  
3 Costa Rica, and El Salvador, as well as how such  
4 assistance would advance the process of negotiation and  
5 political settlement in Nicaragua; for

6 (7) a description of the progress made by economic  
7 development programs that have been implemented in  
8 Honduras, El Salvador, and Costa Rica since the  
9 Esquipulas Accord was signed and what effect renewed  
10 fighting in Nicaragua would have on these programs; and

11 (8) a discussion of the policies of the European  
12 allies of the United States and the Latin American  
13 democracies (outside Central America) toward Central  
14 America, and the extent of their support for and  
15 cooperation with United States policies regarding the  
16 Nicaraguan Resistance.

17 (c) Definitions.--For purposes of this section--

18 (1) the term "intelligence committees of the  
19 Congress" refers to the Permanent Select Committee on  
20 Intelligence of the House of Representatives and the  
21 Select Committee on Intelligence of the Senate; and

22 (2) the term "foreign relations committees" refers  
23 to the Committee on Foreign Relations of the Senate and  
the Committee on Foreign Affairs of the House of  
Representatives.

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1 SEC. 9005. PROHIBITION.

2 Except as provided in this title, no additional  
3 assistance may be provided to the Nicaraguan Resistance  
4 unless the Congress enacts a law specifically authorizing  
5 such assistance.

Boland6 SEC. 9006. ADDITIONAL HUMANITARIAN ASSISTANCE.

7 (a) Transfer of Funds.--The President shall transfer to  
8 the Agency for International Development, from unobligated  
9 funds from the appropriations accounts specified in section  
10 9011--

11 (1) \$27,140,000, to provide humanitarian assistance  
12 to the Nicaraguan Resistance, to remain available through  
13 March 31, 1989, except that funds provided by this  
14 subsection shall not be obligated for humanitarian  
15 assistance prior to October 1, 1988; and

16 (2) such funds as may be necessary to provide  
17 transportation in accordance with section 9007 for  
18 assistance authorized by paragraph (1).

19 (b) Definition.--For purposes of this section and section  
20 9007, the term "humanitarian assistance" means food,  
21 clothing, shelter, medical services, medical supplies, and  
22 payment for such items or services.

23 SEC. 9007. TRANSPORTATION OF HUMANITARIAN ASSISTANCE.

24 The transportation of humanitarian assistance on or after  
25 the date of enactment of this Act which, before such date,



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1 was specifically authorized by law to be provided to the  
2 Nicaraguan Resistance, or which is authorized to be provided  
3 by section 9006, shall be arranged--

4 (1) In the case of the forces of the Nicaraguan  
5 Resistance in Honduras, solely by the Agency for  
6 International Development; and

7 (2) In the case of the forces of the Nicaraguan  
8 Resistance in Nicaragua, solely by the Agency for  
9 International Development, acting through the Pan  
10 American Development Foundation or a similar  
11 nongovernmental organization, consistent with the  
12 provisions of the Sapoa Agreement and any subsequent  
13 agreement between the parties to the armed conflict in  
14 Nicaragua.

15 SEC. 9008. MEDICAL ASSISTANCE.

16 There are hereby transferred to the Administrator of the  
17 Agency for International Development from unobligated funds  
18 from appropriations accounts specified in section 9011  
19 \$5,000,000, to be used only for the provision of medical  
20 assistance to Nicaragua for the civilian victims of the war  
21 in Nicaragua, to be transported and administered by the  
22 Nicaraguan Catholic Church.

23 SEC. 9009. UNITED STATES POLICY CONCERNING ECONOMIC  
ASSISTANCE FOR CENTRAL AMERICA.

As part of an effort to promote democracy and address on

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1 a long-term basis the economic causes of regional and  
2 political instability in Central America--

3 (1) in recognition of the recommendations of groups  
4 such as the National Bipartisan Commission on Central  
5 America, the Inter-American Dialogue, and the Sanford  
6 Commission,

7 (2) to assist in the implementation of these economic  
8 plans and to encourage other countries in other parts of  
9 the world to join in extending assistance to Central  
10 America,

11 (3) and in the context of an agreement to end  
12 military conflict in the region,

13 the Congress encourages the President to submit proposals for  
14 bilateral and multilateral action--

15 (A) to provide additional economic assistance to  
16 the democratic countries of Central America to  
17 promote economic stability, expand educational  
18 opportunity, foster progress in human rights, bolster  
19 democratic institutions, and strengthen institutions  
20 of justice;

(B) to facilitate the ability of Central American  
economies to grow through the development of their  
infrastructure, expansion of exports, and the  
strengthening of increased investment opportunities;

(C) to provide a more realistic plan to assist

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1 Central American countries in managing their foreign  
2 debt; and

3 (D) to develop these initiatives in concert with  
4 Western Europe, Japan and other democratic allies.

5 SEC. 9010. ECONOMIC INCENTIVES FOR DEMOCRACY IN NICARAGUA

6 SIMILAR TO THOSE AVAILABLE TO CENTRAL AMERICAN  
7 DEMOCRACIES.

8 (a)(1) If the Government of Nicaragua and the Nicaraguan  
9 Resistance sign a comprehensive final agreement to provide  
10 for peace and democracy in Nicaragua, then--

11 (A) the President shall terminate the trade embargo  
12 imposed against Nicaragua by Executive Order 12513 of May  
13 1, 1985; and

14 (B) there shall be transferred to the President from  
15 unobligated funds from the appropriations accounts  
16 specified in section 9011 \$10,000,000, to remain  
17 available for a period of twelve months after the signing  
18 of the agreement, to provide assistance for the  
19 relocation in Nicaragua and the reintegration into  
20 Nicaraguan civil society of members of the Nicaraguan  
21 democratic resistance, and the Nicaraguans outside  
22 Nicaragua displaced by the conflict.

23 (2) Nothing in this section shall be construed to limit  
the authority of the President under the International  
Emergency Economic Powers Act.

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1 (b) On or after the date which is 180 days after the date  
 2 of signing of the agreement described in subsection (a), if  
 3 the President certifies to the Congress that the Government  
 4 of Nicaragua is continuing to comply with that agreement,  
 5 then the President may, notwithstanding any other provision  
 6 of law--

7 (1) designate Nicaragua a beneficiary country for  
 8 purposes of proposals referred to in section 9009 and for  
 9 purposes of the Caribbean Basin Economic Recovery Act (19  
 10 U.S.C. 2701 et seq.);

11 (2) designate Nicaragua a beneficiary developing  
 12 country for purposes of title V of the Trade Act of 1974  
 13 (relating to the generalized system of preferences); and

14 (3) authorize loan assistance to Nicaragua under the  
 15 Export-Import Bank Act of 1945.

16 (c) Authority granted by subsections (a) and (b) shall be  
 17 in addition to, and shall not be construed to limit,  
 18 authority otherwise available to the President by law.

19 SEC. 9011. AVAILABLE APPROPRIATIONS ACCOUNTS.

20 The appropriations accounts referred to in sections 9006,  
 21 9008, and 9010(a)(1)(B) are non-ammunition procurement  
 22 accounts in any of the following:

(1) the Department of Defense Appropriations Act,  
 1986, as contained in section 101(b) of the further  
 continuing appropriations resolution for the fiscal year

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1 1986 (Public Law 99-190);

2 (2) the Department of Defense Appropriations Act,  
3 1987, as contained in section 101(c) of the further  
4 continuing appropriations resolution for the fiscal year  
5 1987 (Public Laws 99-500 and 99-591); and

6 (3) the Department of Defense Appropriations Act,  
7 1988, as contained in section 101(b) of the further  
8 continuing appropriations resolution for the fiscal year  
9 1988 (Public Law 100-202).

10 SEC. 9012. PROHIBITION ON THE USE OF CERTAIN FUNDS.

11 No funds available to any agency or entity of the United  
12 States Government under this title may be obligated or  
13 expended pursuant to section 502(a)(2) of the National  
14 Security Act of 1947 for the purpose of providing funds,  
15 materiel, or other assistance to the Nicaraguan Resistance to  
16 support military or paramilitary operations in Nicaragua.

17 SEC. 9013. CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT  
18 RESOLUTIONS.

19 (a) Definitions.--For purposes of this section--

20 (1) the term "joint resolution" means only a joint  
21 resolution--

22 (A) introduced in the Senate by the Majority  
23 Leader of the Senate, after consultation with the  
24 Minority Leader of the Senate and after passage by  
25 the House of Representatives of legislation described

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1 In section 9002, and

2 (B) upon its introduction--

3 (1) the matter after the resolving clause of  
4 which is as follows: "That the Congress hereby  
5 authorizes the President to transport to the  
6 Nicaraguan Resistance all previously appropriated  
7 assistance held in title by the Nicaraguan  
8 Resistance and, if requested, the authority for  
9 the interchangeability of that assistance with  
10 certain equipment *of like ~~value~~ purpose, type, and value.* and

11 (11) the title of which is as follows:

12 "Joint Resolution relating to the transportation  
13 and exchange of previously appropriated  
14 assistance for the Nicaraguan Resistance pursuant  
15 to the Department of Defense Appropriations Act,  
16 1989"; and

17 (2) the term "session days" means days on which the  
18 respective House of Congress is in session.

19 (b) Referral of Joint Resolutions.--A joint resolution  
20 introduced in the Senate shall be referred to the Committee  
21 on Foreign Relations of the Senate.

22 (c) Committee Action.--(1) If the committee to which is  
23 referred a joint resolution has not reported such joint  
resolution (or an identical joint resolution) at the end of 3  
session days after its introduction, such committee shall be

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1 discharged from further consideration of such joint  
2 resolution, and such joint resolution shall be placed on the  
3 appropriate calendar of the House involved.

4 (2) After a committee reports or is discharged from a  
5 joint resolution, no other joint resolution with respect to  
6 the same matter may be reported by or be discharged from such  
7 committee while the first joint resolution is before the  
8 respective House of Congress (including remaining on the  
9 calendar), a committee of conference, or the President.

10 (d) Floor Action.--(1)(A) When the committee to which a  
11 joint resolution is referred has reported, or has been  
12 discharged under subsection (c) from further consideration of  
13 such joint resolution, notwithstanding any rule or precedent  
14 of the Senate, including Rule 22, it is at any time  
15 thereafter in order (even though a previous motion to the  
16 same effect has been disagreed to) for any Member of the  
17 respective House to move to proceed to the consideration of  
18 the joint resolution and, except as provided in paragraph (2)  
19 of this subsection (insofar as it relates to germaneness and  
20 relevancy of amendments), all points of order against the  
21 joint resolution and consideration of the joint resolution  
22 are waived. The motion is highly privileged in the House of  
23 Representatives and is privileged in the Senate and is not  
24 debatable. The motion is not subject to a motion to postpone.  
25 A motion to reconsider the vote by which the motion is agreed

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1 to or disagreed to shall be in order, except that such motion  
2 may not be entered for future disposition. If a motion to  
3 proceed to the consideration of the joint resolution is  
4 agreed to, the joint resolution shall remain the unfinished  
5 business of the respective House, to the exclusion of all  
6 other business, until disposed of, except as otherwise  
7 provided in subsection (e)(1).

8 (2)(A) Consideration in a House of Congress of the joint  
9 resolution, and all amendments and debatable motions in  
10 connection therewith, shall be limited to not more than 18  
11 hours, which, except as otherwise provided in this section,  
12 shall be equally divided between, and controlled by, the  
13 Majority Leader and the Minority Leader, or by their  
14 designees. The Majority Leader or the Minority Leader or  
15 their designees may, from the time under their control on the  
16 joint resolution, allot additional time to any Senator during  
17 the consideration of any amendment, debatable motion, or  
18 appeal.

19 (B) Only amendments which are germane and relevant to the  
20 joint resolution are in order. Debate on any amendment to the  
21 joint resolution shall be limited to 2 hours, except that  
22 debate on any amendment to an amendment shall be limited to 1  
23 hour. The time of debate for each amendment shall be equally  
divided between, and controlled by, the mover of the  
amendment and the manager of the joint resolution, except



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1 that in the event the manager is in favor of any such  
2 amendment, the time in opposition thereto shall be controlled  
3 by the Minority Leader or his designee.

4 (C) A motion to postpone or a motion to recommit the  
5 joint resolution is not in order. A motion to reconsider the  
6 vote by which the joint resolution is agreed to or disagreed  
7 to is in order, except that such motion may not be entered  
8 for future disposition, and debate on such motion shall be  
9 limited to 1 hour.

10 (3) Whenever all the time for debate on a joint  
11 resolution has been used or yielded back, no further  
12 amendments may be proposed, and the vote on the adoption of  
13 the joint resolution shall occur without any intervening  
14 motion or amendment, except that a single quorum call at the  
15 conclusion of the debate if requested in accordance with the  
16 rules of the appropriate House may occur immediately before  
17 such vote.

18 (4) Appeals from the decisions of the Chair relating to  
19 the application of the Rules of the Senate to the procedure  
20 relating to a joint resolution shall be limited to one-half  
21 hour of debate, equally divided between, and controlled by,  
22 the Member making the appeal and the manager of the joint  
23 resolution, except that in the event the manager is in favor  
24 of any such appeal, the time in opposition thereto shall be  
25 controlled by the Minority Leader or his designee.

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1 (e) Passage by One House.--(1) Except as provided in  
2 paragraph (2), if, before the passage by one House of a joint  
3 resolution of that House, that House receives from the other  
4 House a joint resolution, then the following procedures shall  
5 apply:

6 (A) The joint resolution of the other House shall not  
7 be referred to a committee.

8 (B) With respect to a joint resolution of the House  
9 receiving the joint resolution--

10 (1) the procedure in that House shall be the same  
11 as if no joint resolution had been received from the  
12 other House; but

13 (1)(I) the joint resolution of the other House  
14 shall be considered to have been read for the third  
15 time; and

16 (II) the vote on final passage shall be on the  
17 joint resolution of the other House, if such joint  
18 resolutions are identical, or on the joint resolution  
19 of the other House if not identical, with the text of  
20 the joint resolution of the first House inserted in  
21 lieu of the text of the joint resolution of the  
22 second House, and such vote on final passage shall  
23 occur without debate or any intervening action.

24 (C) Upon disposition of the joint resolution received  
25 from the other House, it shall no longer be in order to

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1 consider the joint resolution originated in the receiving  
2 House.

3 (2) If the Senate receives from the House of  
4 Representatives a joint resolution before any such joint  
5 resolution is introduced in the Senate, then the joint  
6 resolution received shall be referred to the Committee on  
7 Foreign Relations, and the procedures in the Senate with  
8 respect to that joint resolution shall be the same under this  
9 section as if the joint resolution received had been  
10 introduced in the Senate.

11 (f) Receipt of Joint Resolution from Other House.--If one  
12 House receives from the other House a joint resolution after  
13 the first House has disposed of an identical joint  
14 resolution, it shall be in order to proceed by nondebatable  
15 motion to consideration of the joint resolution received by  
16 the first House, and that received joint resolution shall be  
17 disposed of without debate and without amendment.

18 (g) Resolution of Differences Between the House and the  
19 Senate.--(1)(A) The time for debate in a House of Congress on  
20 all motions required for the disposition of amendments  
21 between the Houses shall not exceed 2 hours, equally divided  
22 between, and controlled by, the mover of the motion and the  
23 manager of the joint resolution at each stage of the  
24 proceedings between the two Houses, except that in the event  
25 the manager is in favor of any such motion, the time in

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1 opposition thereto shall be controlled by the Minority Leader  
2 or his designee. In the case of any disagreement between the  
3 two Houses of Congress with respect to a joint resolution  
4 which is not resolved, any Member of Congress may make any  
5 motion or motions referred to in this subparagraph within 2  
6 session days after action by the second House or before the  
7 appointment of conferees, whichever comes first. In the event  
8 the conferees are unable to agree within 72 hours after the  
9 second House is notified that the first House has agreed to  
10 conference, they shall report back to their respective House  
11 in disagreement.

12 (9) Notwithstanding any rule in either House of Congress  
13 concerning the printing of conference reports in the  
14 Congressional Record or concerning any delay in the  
15 consideration of such reports, such report, including a  
16 report filed or returned in disagreement, shall be acted on  
17 in the House of Representatives and the Senate not later than  
18 2 session days after the first House files the report or, in  
19 the case of the Senate acting first, the report is first made  
20 available on the desks of the Senators. Debate in a House of  
21 Congress on a conference report or a report filed or returned  
22 in disagreement on any such joint resolution shall be limited  
23 to 3 hours, equally divided between, and controlled by, the  
24 Majority Leader and the Minority Leader, and their designees.

25 (2) If a joint resolution is vetoed by the President, the

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1 time for debate in consideration of the veto message on such  
2 measure shall be limited to 6 hours in each House of  
3 Congress, equally divided between, and controlled by, the  
4 Majority Leader and the Minority Leader, or their designees.

5 (h) Congressional Rulemaking Powers.--This section is  
6 enacted by the Congress--

7 (1) as an exercise of the rulemaking power of the  
8 Senate and House of Representatives, respectively, and as  
9 such it is deemed a part of the rules of each House,  
10 respectively, but applicable only with respect to the  
11 procedure to be followed in that House in the case of a  
12 joint resolution, and it supersedes other rules only to  
13 the extent that it is inconsistent with such rules; and

14 (2) with full recognition of the constitutional right  
15 of either House to change the rules (so far as relating  
16 to the procedure of that House) at any time, in the same  
17 manner, and to the same extent as in the case of any  
18 other rule of that House.